

REMARKS

Claims 43, 44 and 45 are amended, and new claims 46-50 are added. Claims 43-50 are pending in the application.

Claims 43-45 stand rejected under 35 U.S.C. §112 as being indefinite. Specifically, the Examiner objects to the term "minimum width which is less than the minimum capable photolithographic feature dimension at the time of fabrication," which is utilized in each of claims 43-45. Applicant has amended claims 43-45 to replace the rejected term with a recitation of "minimum photolithographic feature dimension with which the capacitor is fabricated." Such amendment removes a time consideration which the Examiner found indefinite. Applicant notes that the Examiner also indicates that there is indefiniteness in ascertaining a requisite degree by which a recited feature minimum width (claim 43) or minimum spacing (claim 44) is less than a recited minimum photolithographic feature dimension. Applicant disagrees with this aspect of the Examiner's rejection. Specifically, it is clear in the context of the claims that the requisite degree by which a recited feature (either a stem in claim 43, a spacing in claim 44, or a spacing and a stem in claim 45) is less than a recited minimum photolithographic feature dimension is any amount. In other words, the phrase "less than" clearly and definitely indicates that a recited feature has a dimensional size smaller than a photolithographic feature dimension, by any requisite degree. The Examiner's indication that the

1 claim is indefinite for lack of citing a "requisite degree" is therefore
2 without merit, and applicant requests that such argument be withdrawn
3 in the Examiner's next action. Applicant further notes that there is no
4 confusion introduced by applicant's indication in some of the claims
5 (specifically claims 43 and 45) that a recited stem has a minimum width
6 less than a minimum photolithographic feature dimension, and in other
7 claims (for instance, claim 44) that a recited spacing is less than a
8 minimum photolithographic feature dimension. Each of the claims clearly
9 and definitely recites a specific structure which is less than a recited
10 photolithographic feature dimension. The fact that some claims refer to
11 different structures than other claims does not render any of the claims
12 indefinite, provided that it is clear which structures are being referred
13 to in each of the various claims. Certainly, each of claims 43, 44 and
14 45 specifically recites the structure which is being compared to a
15 minimum photolithographic feature dimension. Accordingly, each of
16 claims 43, 44 and 45 is definite with respect to such comparison of a
17 recited structure to a minimum photolithographic feature dimension.

18 For the above-discussed reasons, amended claims 43, 44 and 45 are
19 in compliance with 35 USC §112, and applicant therefore requests that
20 the rejections of the claims based on §112 be withdrawn in the
21 Examiner's next action.

22 Claims 43, 44 and 45 stand rejected as being either anticipated, or
23 rendered obvious by Kimura. Applicant disagrees.

Referring first to claim 43, such recites a capacitor construction comprising a stem having a minimum width which is less than the minimum photolithographic feature dimension with which the capacitor is fabricated. Kimura does not disclose or suggest such recited feature. The Examiner refers to Fig. 11 of Kimura as disclosing applicant's recited stem having a minimum width less than a minimum photolithographic feature dimension with which the capacitor is fabricated, and indicates that Kimura's structure 28, 30 either discloses or suggests such a cited feature. Applicant refers the Examiner to Figs. 2C and 2D wherein Kimura illustrates that the stem of structure 28, 30 is formed within a contact opening provided in an insulative material 29. Kimura's contact opening would, by definition, have a width equal to or greater than a minimum photolithographic feature dimension utilized at the time Kimura's structure is fabricated. Accordingly, the stem 28, 30 formed within such contact opening has a width equal to or greater than such photolithographic feature dimension, rather than the claim 43 recited with less than such photolithographic feature dimension. Applicant also refers the Examiner to applicant's own Figs. 6-11 wherein applicant discloses an exemplary method for forming a stem having a minimum width less than a minimum photolithographic feature dimension. In such exemplary method, applicant accomplishes the minimum width by providing a spacer layer (36 in Fig. 6, and 38 in Fig. 7) which reduces a contact opening width to less than a minimum photolithographic

1 feature dimension. Kimura does not disclose or suggest any fabrication
2 which reduces a contact opening width to less than a minimum
3 photolithographic feature dimension. Accordingly, it is inconceivable that
4 Kimura could suggest or disclose the claim 43 recited stem having a
5 minimum width less than a minimum photolithographic feature dimension.
6 For at least this reason claim 43 is allowable over Kimura, and applicant
7 requests such allowance in the Examiner's next action.

8 Referring next to claim 44, such claim recites a pair of adjacent
9 spacers having a minimum lateral spacing from one another which is less
10 than a minimum capable photolithographic feature dimension with which
11 the capacitors are fabricated. As discussed above, Kimura does not
12 disclose or suggest any fabrication which would form a structure (or
13 opening) having a minimum width less than a minimum photolithographic
14 feature dimension. Accordingly, it is inconceivable that Kimura could
15 disclose or suggest the claim 44 recited spacing between adjacent
16 capacitors. For at least this reason, claim 44 is allowable over Kimura,
17 and applicant requests such allowance in the Examiner's next action.

18 Referring next to claim 45, such claim depends from claim 44 and
19 is therefore allowable for the reasons discussed above regarding claim 44,
20 as well as for its own recited features which are neither shown nor
21 suggested by the cited art. For instance, claim 45, like the above-
22 discussed claim 43, recites a stem having a minimum width less than a
23 minimum photolithographic feature dimension. Claim 45 is therefore

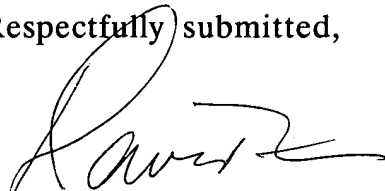
allowable for reasons similar to those discussed above regarding claim 43.
For the above-discussed reasons, applicant requests allowance of claim 45
in the Examiner's next action.

New claims 46-50 are added, and believed allowable. Claims 46-50
are supported by the originally-filed specification at, for example, Fig. 12,
and therefore do not comprise "new matter."

For the above-discussed reasons, claims 44-45 are allowable, and
new claims 46-50 are believed allowable. Applicant therefore requests
formal allowance of claims 43-50 in the Examiner's next action.

Respectfully submitted,

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